

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Mid America Computer Corporation)	CG Docket No. 02-386
)	
Petition for Expedited Interim Waiver of)	
Section 64.4002 of the Commission's Rules)	

COMMENTS OF SPRINT NEXTEL CORPORATION

Sprint Nextel Corporation, pursuant to the Public Notice released on December 12, 2005 (DA 05-3174), hereby respectfully submits its comments in the above-captioned proceeding in opposition to the request of Mid America Computer Corporation (MACC) for waiver of Sections 64.4002(a)(7) and 64.4002(c) of the Commission's Rules. MACC and its 275 local exchange carrier (LEC) clients have known of the requirements set forth in these rules for many months, and the request for waiver is both untimely and unjustified. Moreover, to the extent that MACC's clients currently are unable to comply with portions of Section 64.4002 by using MACC's operational support system (OSS) product, the Commission should direct these LECs to immediately begin providing the requisite customer account record exchange (CARE) information to affected IXC's in some alternative fashion.

In February 2005, the Commission amended Section 64.4002 of its rules to require, among other things, that carriers processing a customer-submitted PIC order must advise the IXC whether the customer's account is subject to a preferred interexchange carrier (PIC) freeze; and that if it rejects an IXC-submitted PIC order, the

carrier must notify the IXC of the reason for such rejection.¹ MACC acknowledges that these requirements took effect on September 21, 2005 (Petition, p. 1), but requests that its LEC clients be granted a waiver of these rules until September 1, 2006 because it would be less costly “to incorporate programming changes for new requirements in regularly-scheduled releases of its operating support system product...rather than [by] issuing numerous updates” (*id.*, p. 2).

A waiver may be granted upon demonstration of good cause.² MACC has failed to make this showing, or to demonstrate that special circumstances exist for its 275 clients which would warrant deviation from the general rule.³ For example, MACC did not provide any of the following information needed to justify its waiver request:

- The cost of issuing a stand-alone update to its OSS product which would enable its clients to comply with the rules, compared to the cost of incorporating this upgrade in its regularly scheduled releases. Although MACC alleges that a stand-alone upgrade would have been “very costly to its clients” (Petition, p. 2), it provided no specific information to support this assertion.
- The date(s) of its next regularly scheduled releases.
- Whether it is prepared to issue a stand-alone upgrade, and if so, on what timeline.
- The identity of its 275 LEC clients; the number of end users served by those clients; the number of those end users with a PIC freeze on their lines; and the number and percentage of PIC change orders rejected without requisite notification to the relevant IXC. This type of information is necessary to estimate the scope of the potential problem and the impact of the waiver request.

¹ *Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers*, 20 FCC Rcd 4560 (2005) (“*CARE Order*”).

² See Section 1.3 of the Commission’s Rules.

³ See *United States Telephone Association Petition for Waiver of Part 32 of the Commission’s Rules, Order*, 13 FCC Rcd 214 (CCB 1997) (citing *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972)).

- A description of its clients' efforts (if any) to comply with the rules currently in effect by means other than through the MACC interface.

MACC also has failed to demonstrate that grant of the requested waiver will serve the public interest.⁴ In the *CARE Order*, the Commission emphasized that it was adopting the new CARE rules to “help to ensure that consumers’ phone service bills are accurate and that their carrier selection requests are honored and executed without undue delay.”⁵ If a PIC change order submitted by an IXC is rejected without explanation, the IXC’s ability to correct the problem and re-submit the PIC change order in a timely fashion is severely degraded,⁶ causing customer confusion and dissatisfaction. This is hardly in the public interest.

It is Sprint Nextel’s understanding that MACC provides software which enables its LEC clients to exchange CARE information with IXCs in a mechanized fashion; MACC does not, however, act as a clearinghouse to accept and transmit this information. Even if MACC’s LEC clients are unable to provide the requisite CARE information through the MACC interface, it is not at all clear why they cannot provide this information through other means, such as fax, US mail, overnight mail, E-mail, or cartridge.⁷ While these methods are obviously less efficient than mechanized information

⁴ *WAIT Radio*, 418 F.2d at 1159.

⁵ 20 FCC Rcd at 4562 (para. 2).


⁶ It has been Sprint Nextel’s experience that the end user tends to hold the IXC responsible for delays or other problems in switching his or her line; thus, it is critical that the IXC obtain information necessary to address a rejected PIC order in a timely manner.

⁷ The Commission has stated that carriers “may use a variety of transmission mediums (e.g., facsimile, mail, electronic mail, cartridge) for the required information exchanges.” See *CARE Order*, 20 FCC Rcd 4589 (para. 84).

exchanges, they are preferable to not receiving the information at all. If a compliant
MACC OSS product will not be available until September 2006, the Commission should
direct MACC's LEC clients to provide the requisite CARE information to IXC's using an
alternative medium.

Respectfully submitted,

SPRINT NEXTEL CORPORATION



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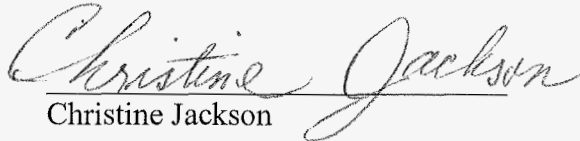
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February 2, 2006

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **COMMENTS OF SPRINT-NEXTEL** was filed by electronic mail and copies sent by electronic mail or by U.S. mail on this the 2nd day of February 2006 to the below-listed parties.


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February 2, 2006

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